

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-173845-001 DT

09/05/2013

HONORABLE DAVID B. GASS

CLERK OF THE COURT
E. Aguilar/D. Van Hoorn
Deputy

STATE OF ARIZONA

KAREN L PUGH
MARYANN MCKESSY

v.

DANNY WISE (001)

DIEGO RODRIGUEZ
JOHN W BLISCHAK

COURT ADMIN-CRIMINAL-CCC

**TRIAL MINUTE ENTRY
DAY 3**

Courtroom CCB 903

State's Attorney:	Karen Pugh and Maryanne McKessy
Defendant's Attorney:	Diego Rodriguez
Knapp Counsel:	John Blischak
Defendant:	Present
Court Reporter:	Luz Franco

10:30 a.m. This is the time set for trial to Jury.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits is present in the courtroom.

The jury is not present.

Counsel for State invokes the rule of exclusion of witnesses this date, **September 5, 2013.**

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LET THE RECORD REFLECT Counsel review and approve the redacted Indictment to be read to the jury by the clerk.

An Amended Indictment having been filed in this matter on September 04, 2013,

IT IS ORDERED Counts 1, 2, 12, & 14 in CR2009-006829-001, shall be dismissed **with** prejudice. The above-referenced Counts are not identified in the New Amended Indictment filed in this matter.

IT IS FURTHER ORDERED Counts 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 in CR2009-006829-001 shall be dismissed **without** prejudice. The above-referenced Counts have been re-filed and the Counts re-numbered in the New Amended Indictment filed in this matter.

Both sides announce ready.

11:02 a.m. The jury enters the courtroom and trial commences.

The Indictment is read by the clerk and Defendant's not guilty plea is made known to the jury.

Preliminary Jury Instructions are read to the jury by the Court.

FILED: Preliminary Jury Instructions

11:52 a.m. The jury is reminded of the admonition and leaves the courtroom. Court remains in session.

Trial matters are discussed.

11:58 a.m. Court stands at recess.

1:35 p.m. Court reconvenes with respective counsel and Defendant present.

Court Reporter, Luz Franco is present.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits and the Defendant's Designated Investigator, James Sell is present in the courtroom.

The jury is not present.

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Both sides announce ready.

1:39 p.m. The jury enters the courtroom and trial continues.

The Court reads the Stipulated Evidence Bates Numbers to the jury.

State's case:

The State's witness, Francesco Chierici is sworn and testifies.

The State's Exhibits 34 and 35 are offered by the State and upon stipulation of parties, are received in evidence.

The State's Exhibit 36 is offered by the State and upon stipulation of parties, is received in evidence.

The State's Exhibit 31 is offered by the State and upon stipulation of parties, is received in evidence.

The State's Exhibit 30 is offered by the State and upon stipulation of parties, is received in evidence.

The State's Exhibits 37 and 38 are offered by the State and upon stipulation of parties, are received in evidence.

The State's Exhibit 32 is offered by the State and upon stipulation of parties, is received in evidence.

The State's Exhibit 33 is offered by the State and upon stipulation of parties, is received in evidence.

3:16 p.m. The jury is reminded of the admonition and leaves the courtroom. Court stands at recess.

3:33 p.m. Court reconvenes with respective counsel and Defendant present.

LET THE RECORD REFLECT Defendant's Knapp Counsel, John Blischak is not present.

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Court Reporter, Luz Franco is present.

LET THE RECORD REFLECT the State's Case Agent, Guy Milanovits and the Defendant's Designated Investigator, James Sell are present in the courtroom.

The jury is not present.

Discussion is held.

3:36 p.m. The jury enters the courtroom and trial continues.

Francesco Chierici, having been previously sworn testifies further.

The State's Exhibit 40 is offered by the State and upon stipulation of parties, is received in evidence.

The State's Exhibit 39 is offered by the State and upon stipulation of parties, is received in evidence.

LET THE RECORD REFLECT the witness makes an in-court identification of the Defendant.

Counsel approach the bench with the Court Reporter and discussion is held outside the hearing of the jury.

The Court receives Jury Question #1 from the jury; same is discussed between the Court and Counsel and is asked of the witness.

Filed: Jury Question (1).

4:26 p.m. The jury is reminded of the admonition and excused until **10:30 a.m. on September 9, 2013** in this division. Court remains in session.

The witness is excused subject to recall.

4:28 p.m. Court stands at recess until **September 09, 2013 at 10:30 a.m. in this division.**

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.